

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

John DeFillip
aka Jack DeFillip, aka John Anthony DeFillip
Debtor(s)

Bankruptcy Case No.: 17-24124-JAD
Issued Per Sep. 12, 2019 Proceeding
Chapter: 13
Docket No.: 62 – 59, 61
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 12, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Attorney fees are to be paid through the plan are \$2,310. No further payments to Franklin American Mortgage (Claim No. 20) due to the sale of real estate. All prior payments ratified. The Trustee's Certificate of Default to Dismiss [Dkt. No. 32] is Withdrawn per confirmation of this plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: September 13, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 John DeFillip
 Debtor

Case No. 17-24124-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 3
 Total Noticed: 40

Date Rcvd: Sep 13, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 15, 2019.

db +John DeFillip, 123 Homer Circle, Mc Kees Rocks, PA 15136-2039
 r +Joyce Seretti, Remax Select Realty - Moon, 1187 Thorn Run Road Ext., Ste. 400,
 Moon Township, PA 15108-3349
 cr +Montour Area School District, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 r +Remax Select Realty - Moon, 1187 Thorn Run Road Ext., Ste. 400,
 Moon Township, PA 15108-3349
 cr +Township of Kennedy, 437 Grant Street, 14th Floor, Frick Building, Frick Building,
 Pittsburgh, PA 15219, UNITED STATES 15219-6101
 14710069 +American Express, PO Box 1270, Newark, NJ 07101-1270
 14750032 American Express Bank, FSB, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14710070 +American Express Business, PO Box 1270, Newark, NJ 07101-1270
 14750804 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14710071 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 15019, Wilmington, DE 19886)
 14744175 Bank Of America, N.A., PO BOX 31785, Tampa, FL 33631-3785
 14781880 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14710075 +Capital One Spark, PO Box 71083, Charlotte, NC 28272-1083
 14710076 +Chase Cardmember Serice, PO Box 1423, Charlotte, NC 28201-1423
 14715649 Chase Cardmember Services, P.O. Box 1423, Charlotte, NC 28201-1423
 14783657 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
 PO Box 10390, Greenville, SC 29603-0390)
 14710077 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Preferred Account, Payment Processing Center, PO Box 6403,
 Carol Stream, IL 60197)
 14710078 +Fifth Third Bank, PO Box 740789, Cincinnati, OH 45274-0789
 14729067 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
 14710079 +First National Bank Omaha, PO Box 2557, Omaha, NE 68103-2557
 14784713 +Franklin American Mortgage Company, c/o Cenlar FSB, 425 Phillips Boulevard,
 Ewing, NJ 08618-1430
 14710080 +Franklin American Mortgage Company, PO Box 77404, Ewing, NJ 08628-6404
 14710082 +Home Depot Credit Services, PO Box 9001010, Louisville, KY 40290-1010
 14739826 +Montour Area School District, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14713070 ++PERI GARITE, ATTN CARD WORKS, 101 CROSSWAYS PARK DR W, WOODBURY NY 11797-2020
 (address filed with court: First National Bank of Omaha, 1620 Dodge St., Stop Code 3105,
 Omaha, NE 68197)
 14710086 PNC, PO Box 8561777, Louisville, KY 40285
 14710088 +Sears, PO Box 9001055, Louisville, KY 40290-1055
 14739825 +Township of Kennedy, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14710073 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 14 2019 02:50:25
 Capital One Bank (USA) N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 14710077 E-mail/PDF: DellBKNotifications@resurgent.com Sep 14 2019 02:51:43 Dell Preferred Account,
 Payment Processing Center, PO Box 6403, Carol Stream, IL 60197
 14783928 +E-mail/Text: kburkley@bernsteinlaw.com Sep 14 2019 02:47:54 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14710083 +E-mail/PDF: gecsedirecoverycorp.com Sep 14 2019 02:50:22 Lowes/Synchrony Bank,
 PO Box 530914, Atlanta, GA 30353-0914
 14783560 E-mail/Text: bkr@cardworks.com Sep 14 2019 02:45:57 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14710084 +E-mail/Text: bkr@cardworks.com Sep 14 2019 02:45:57 Merrick Bank, PO Box 660702,
 Dallas, TX 75266-0702
 14765471 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 14 2019 02:51:02
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14710521 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 14 2019 02:51:01
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14710085 +E-mail/PDF: gecsedirecoverycorp.com Sep 14 2019 02:51:31 PayPal Credit, PO Box 105658,
 Atlanta, GA 30348-5658
 14780689 E-mail/Text: bnc-quantum@quantum3group.com Sep 14 2019 02:47:01
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14710087 +E-mail/PDF: gecsedirecoverycorp.com Sep 14 2019 02:50:55 Sam's Club/Synchrony Bank,
 PO Box 530942, Atlanta, GA 30353-0942
 14710089 +E-mail/PDF: gecsedirecoverycorp.com Sep 14 2019 02:50:55 Synchrony/JC Penny,
 PO Box 960090, Orlando, FL 32896-0090

TOTAL: 12

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 40

Date Rcvd: Sep 13, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BANK OF AMERICA, N.A.
cr Citizens Bank, N.A.
cr Duquesne Light Company
cr Franklin American Mortgage Company
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14715641* +American Express, PO Box 1270, Newark, NJ 07101-1270
14715642* +American Express Business, PO Box 1270, Newark, NJ 07101-1270
14715643* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, PO Box 15019, Wilmington, DE 19886)
14710072* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, PO Box 15220, Wilmington, DE 19886-5019)
14715644* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, PO Box 15220, Wilmington, DE 19886-5019)
14710074* Capital One Bank (USA) N.A., P.O. Box 71083, Charlotte, NC 28272-1083
14715645* Capital One Bank (USA) N.A., P.O. Box 71083, Charlotte, NC 28272-1083
14715646* Capital One Bank (USA) N.A., P.O. Box 71083, Charlotte, NC 28272-1083
14715647* +Capital One Spark, PO Box 71083, Charlotte, NC 28272-1083
14715648* +Chase Cardmember Serice, PO Box 1423, Charlotte, NC 28201-1423
14715650* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Preferred Account, Payment Processing Center, PO Box 6403,
Carol Stream, IL 60197)
14715651* +Fifth Third Bank, PO Box 740789, Cincinnati, OH 45274-0789
14715652* +First National Bank Omaha, PO Box 2557, Omaha, NE 68103-2557
14710081* +Franklin American Mortgage Company, PO Box 77404, Ewing, NJ 08628-6404
14715653* +Franklin American Mortgage Company, PO Box 77404, Ewing, NJ 08628-6404
14715654* +Franklin American Mortgage Company, PO Box 77404, Ewing, NJ 08628-6404
14715655* +Home Depot Credit Services, PO Box 9001010, Louisville, KY 40290-1010
14715656* +Lowes/Synchrony Bank, PO Box 530914, Atlanta, GA 30353-0914
14715657* +Merrick Bank, PO Box 660702, Dallas, TX 75266-0702
14715659* PNC, PO Box 8561777, Louisville, KY 40285
14715658* +PayPal Credit, PO Box 105658, Atlanta, GA 30348-5658
14715660* +Sam's Club/Synchrony Bank, PO Box 530942, Atlanta, GA 30353-0942
14715661* +Sears, PO Box 9001055, Louisville, KY 40290-1055
14715662* +Synchrony/JC Penny, PO Box 960090, Orlando, FL 32896-0090

TOTALS: 4, * 25, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 15, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 13, 2019 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor Citizens Bank, N.A. ecfmail@mwclaw.com,
ecfmail@ecf.courtdrive.com
Alexandra Teresa Garcia on behalf of Creditor Franklin American Mortgage Company
ecfmail@mwclaw.com, ecfmail@ecf.courtdrive.com
James Warmbrodt on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Township of Kennedy jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor Montour Area School District jhunt@grblaw.com,
cnoroski@grblaw.com
Julie Frazee Steidl on behalf of Debtor John DeFillip julie.steidl@steidl-steinberg.com,
leslie.nebel@steidl-steinberg.com; abby.steidl@me.com; cgoga@steidl-steinberg.com; r53037@notify.bes
tcase.com; rlager@steidl-steinberg.com; kmeyers@steidl-steinberg.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com

District/off: 0315-2

User: jhel
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 10